

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-070326
	:	TRIAL NO. B-0512405
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TYRONE FRANKLIN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Tyrone Franklin was indicted for aggravated robbery, robbery, rape, and two counts of kidnapping, all with firearm specifications. He was also indicted for having weapons while under a disability. He was initially found to be incompetent to stand trial, but was restored to competency. Franklin waived a jury. Subsequently, he entered pleas of guilty to one count of kidnapping with a firearm specification, one count of rape, and one count of having weapons while under a disability. All other counts were dismissed. Franklin entered into an agreed sentence of 15 years' incarceration. The trial court accepted the guilty pleas and imposed a 15-year aggregate sentence. A sexual-offender classification hearing was held immediately after the imposition of sentence because Franklin did not want the case continued. Franklin stipulated to the court clinic reports that had been previously prepared. He also stipulated

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

to a juvenile adjudication for gross sexual imposition. The court found Franklin to be a sexual predator.

Pursuant to *Anders v. California*,² Franklin's counsel advises this court that, after a thorough review of the record, she has discerned no arguable assignments of error to present on appeal. Counsel has filed a motion to withdraw. She now asks this court to conduct an independent review of the record to determine whether the proceedings in the trial court were free from prejudicial error.³

After reviewing the entire record, we are satisfied that Franklin's counsel has provided him with a diligent and thorough search of the record, and that counsel has correctly concluded that the proceedings below were free from prejudicial error.⁴ We therefore overrule counsel's motion to withdraw from her representation of Franklin and affirm the judgment of the trial court.

Our determination that the proceedings below were free of prejudicial error compels our conclusion that there are no reasonable grounds for this appeal. But because Franklin is indigent, we refrain from taxing costs and expenses against him.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

PAINTER, P.J., DINKELACKER and WINKLER, JJ.

RALPH WINKLER, retired, from the First Appellate District, sitting by assignment.

To the Clerk:

Enter upon the Journal of the Court on April 16, 2008
per order of the Court _____.
Presiding Judge

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

³ See *Freels v. Hills* (C.A.6, 1988), 843 F.2d 958.

⁴ See *Penson v. Ohio* (1988), 488 U.S. 75, 109 S.Ct. 346.